

REMARKS

In the Office Action mailed July 28, 2008 the Office noted that claims 10-41 were pending and rejected claims 10-41. Claims 10, 27, 30 and 41 have been amended, claim 29 has been cancelled, and, thus, in view of the foregoing claims 10-28 and 30-41 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

FORMALITIES

The undersigned on behalf of the Applicant wishes to thank the Examiner for meeting on November 18, 2008 to discuss the instant Application. Consistent with the discussion of the interview, the Applicant has amended the claims to overcome the prior art of Li and the rejection under 35 U.S.C. § 101.

CLAIM OBJECTION

Claims 10 and 30 stand objected to for informalities. In particular, the Office asserts that the claims have antecedent basis problems and use terms which are confusing.

The Applicant has amended the claims to overcome the issues raised by the Office.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 10-41 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claims have antecedent basis issues and confusing language. The Applicant has amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 10-29 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims lack any hardware embodiment or transform material to a different state. The Applicant has amended the claim 10 consistent with discussion of November 18, 2008. Support may be found, for example, in Fig. 3 and the supporting text of the Specification.

The Applicant has cancelled claim 29.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 10, 12-14, 22-23, 25, 30, 32-33, 38 and 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Li, U.S. Patent No. 6,832,210.

The Applicant has amended claim 10 to recite "b) for each of the pairs of stocks, i) determining an interrelated share price variation between the first and the second stock of said pair *corresponding to the variation of the relative price difference between shares of the first and second stock of said pair,*" and "c) after at least one pair of stocks have been tagged, ... ii) selecting at least one buy candidate stock from the tagged pairs of stocks which includes a said sell candidate stock, *wherein the price of a share of the sell candidate stock is rising compared to the price of a share of the buy candidate stock.*" Support for the amendment may be found for example, in claim Fig. 3, columns A to K, and paragraph 0022 of the printed publication version of this Application. The Applicant submits that no new matter has been added by the Amendment of the claims.

The Applicant submits that the prior art fails to disclose said pair corresponding to the variation of the relative price difference between shares of the first and second stock of said pair and the price of a share of the sell candidate stock is rising compared to the price of a share of the buy candidate stock.

Claim 30 has been amended in a manner consistent with the amendment to claim 10. Therefore, for at least the reasons discussed above, claims 10 and 30 and the claims dependent therefrom are not anticipated by Li.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 27-28, 31 and 41 stand rejected under 35 U.S.C. § 103(a) as being obvious over Li.

The Applicant has amended the independent claims and believes that the claims, as discussed above, are in a condition for allowance. Therefore, for at least the reasons discussed above, Li does not render obvious the features of claims 11, 27-28, 31 and 41.

Claims 15-21, 24, 26, 34-37 and 39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Li in view of Waddel, U.S. Patent Publication No. 2003/0101129.

Waddel adds nothing to the deficiencies of Li as applied against the independent claims. Therefore, Li and Waddel, taken separately or in combination fail to render obvious the features of claims 15-21, 24, 26, 34-37 and 39.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being obvious over Golnen, U.S. Patent No. 5,933,855 in view of Li.

The Applicant has cancelled claim 29.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 112. It is also submitted that claims 10-28 and 30-41 continue to be allowable. It is

further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/jr